

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IVAN P. LEIDY, )  
Plaintiff )  
vs. ) Civil Action No. 98-1299  
AMERICAN FAMILY PUBLISHERS; ) Judge Joy Flowers Conti/  
PUBLISHERS CLEARING HOUSE; and ) Magistrate Judge Sensenich  
UNITED STATES POSTAL SERVICE; )  
Defendants )

MEMORANDUM ORDER

On August 14, 1998, this case was referred to United States Magistrate Judge Ila Jeanne Sensenich for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b) (1) (A) and (B), and Rules 71.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on September 6, 2005, recommended that Plaintiff's request for leave to proceed in forma pauperis be denied without prejudice and that the complaint received from him on August 4, 2005 be struck without prejudice to his right to file a new complaint at a new civil action number. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff and on counsel for Defendant. No objections have been filed. After review of the report and recommendation, the following order is entered:

AND NOW, this 23rd day of September, 2005;

IT IS HEREBY ORDERED that Plaintiff's request for leave to proceed in forma pauperis is denied without prejudice.

IT IS FURTHER ORDERED that the complaint received from Plaintiff on August 4, 2005 is struck without prejudice to his right to file a new complaint at a new civil action number.

The report and recommendation of Magistrate Judge Sensenich, dated September 6, 2005, is adopted as the opinion of the court.

/s/ Joy Flowers Conti  
Joy Flowers Conti  
United States District Judge

Notice sent electronically or via U.S. mail to:

Ila Jeanne Sensenich  
U.S. Magistrate Judge

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